

U.S. Application No. 10/801,930, filed March 16, 2004
Attorney Docket No. 16136US02
Amendment dated November 14, 2007
In Response to Office Action mailed June 14, 2007

Amendments to the Drawings

The attached new sheet of drawings includes a new FIG. 11.

Attachment: New Sheet including FIG. 11 (one page)

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REMARKS

Claims 1-44 are pending. Claims 1-6, 14-18, 25-32, 40 and 43 were withdrawn from consideration. Claims 7-13, 19-24, 33-39, 41, 42 and 44 were rejected.

I. DRAWINGS

The Examiner has object to the drawings. In particular, the drawings are alleged to be incomplete because the drawings fail to illustrate a method as described in claims 7-13.

Applicants have added a new sheet including FIG. 11. It is believed that no new matter has been added.

It is respectfully requested that the objection be withdrawn with respect to the drawings.

II. REJECTION UNDER 35 U.S.C. § 102(b) WITH RESPECT TO CLAIMS 7, 8, 13, 19, 20, 33-35, 38 AND 39

Claims 7, 8, 13, 19, 20, 33-35, 38 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,809,422 ("Raleigh"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

To maintain an anticipation rejection under 35 U.S.C. § 102(b), Raleigh must teach each and every element as set forth in the rejected claims. It is respectfully submitted that Raleigh does not describe each and every element as set forth, for example, in independent claim 7.

As a courtesy, independent claim 7 is reproduced below.

7. A communication method, comprising:
demultiplexing an input signal into a first plurality of demultiplexed signals;
upconverting said first plurality of demultiplexed signals into a first plurality of upconverted signals;
dividing said first plurality of upconverted signals into a second plurality of divided signals;
weighting said second plurality of divided signals so as to form a

second plurality of weighted signals;
combining ones of said second plurality of weighted signals in
order to form a third plurality of combined signals; and
transmitting said third plurality of combined signals.

The attention of the Examiner is respectfully drawn to the fact that, as set forth in independent claim 7, the dividing, weighting, combining and transmitting occur **after** the upconverting. The demultiplexing occurs **before** the upconverting.

In support of the anticipation rejection, the Examiner alleges that the upconverting as set forth in claim 7 is allegedly described in Raleigh at col. 7, line 65 to col. 8, line 2. Raleigh describes a wideband frequency upconverter (UPX) 64 in remote site station 14a in FIG. 2 of Raleigh. In FIG. 2 of Raleigh, the remote site station 14a is connected to central base station 18 which contains DEMUX 104, Digital XMIT 114 and TX Beamformer 118 that are cited by the Examiner. Thus, Raleigh describes an alleged upconverting **after** the alleged dividing, weighting, and combining.

Thus, Raleigh does not describe each and every element as set forth in independent claim 7.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to independent claim 7 and its rejected dependent claims (i.e., claims 8 and 13).

A similar argument, as made with respect to independent claim 7, but tailored for the particular recited elements of independent claims 19, 33 and 37 can be made with respect to independent claims 19, 33 and 37.

Accordingly, Raleigh does not describe each and every element as set forth in independent claims 19, 33 and 37.

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For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn with respect to independent claims 19, 33 and 37 and their rejected dependent claims (i.e., claims 20, 34, 35, 38 and 39).

**III. REJECTION UNDER 35 U.S.C. § 103(a)
WITH RESPECT TO CLAIMS 9-11, 21-23 AND 36**

Claims 9-11, 21-23 and 36 stand rejected under 35 U.S.C. § 103(a) as being obvious Raleigh in view of U.S. Patent No. 6,888,809 ("Foschini"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

To maintain an obviousness rejection under 35 U.S.C. § 103(a), Raleigh in view of Foschini must teach each and every element as set forth in the rejected claims.

Claims 9-11 depend from independent claim 7; claims 21-23 depend from independent claim 19; and claim 36 depends from independent claim 33. As discussed above with respect to independent claims 7, 19 and 33, Raleigh has teaching deficiencies that are not made up by Foschini.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 9-11, 21-23 and 36.

**IV. REJECTION UNDER 35 U.S.C. § 103(a)
WITH RESPECT TO CLAIMS 12 AND 24**

Claims 12 and 24 stand rejected under 35 U.S.C. § 103(a) as being obvious Raleigh in view of U.S. Patent Publication No. 2004/0165558 A1 ("Ling"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

To maintain an obviousness rejection under 35 U.S.C. § 103(a), Raleigh in view of Ling must teach each and every element as set forth in the rejected claims.

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Claim 12 depends from independent claim 7; and claim 24 depends from independent claim 19. As discussed above with respect to independent claims 7 and 19, Raleigh has teaching deficiencies that are not made up by Ling.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 12 and 24.

**V. REJECTION UNDER 35 U.S.C. § 103(a)
WITH RESPECT TO CLAIMS 41, 42 AND 44**

Claims 41, 42 and 44 stand rejected under 35 U.S.C. § 103(a) as being obvious Raleigh in view of U.S. Patent Publication No. 2003/0045313 A1 ("Iwamatsu"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

To maintain an obviousness rejection under 35 U.S.C. § 103(a), Raleigh in view of Iwamatsu must teach each and every element as set forth in the rejected claims.

Claim 44 depends from independent claim 19; claim 41 depends from independent claim 33; and claim 42 depends from independent claim 37. As discussed above with respect to independent claims 19, 33 and 37, Raleigh has teaching deficiencies that are not made up by Iwamatsu.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 41, 42 and 44.

VI. CONCLUSION

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the

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recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: November 14, 2007

Respectfully submitted,

/Michael T. Cruz/
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